

AMENDED IN SENATE APRIL 29, 2014

**SENATE BILL**

**No. 1339**

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**Introduced by Senator Cannella**  
*(Coauthors: Senators Huff and Vidak)*  
*(Coauthor: Assembly Member Wilk)*

February 21, 2014

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An act to add Section 14124.27 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1339, as amended, Cannella. Medi-Cal: Drug Medi-Cal *Treatment* Program providers.

Existing law provides for the Drug Medi-Cal (DMC) Treatment Program, under which counties enter into contracts with the State Department of Health Care Services for the provision of various drug treatment services to Medi-Cal recipients, or the department directly arranges for the provision of these services if a county elects not to do so.

This bill would require a county or the department, before contracting with a certified DMC provider, ~~to obtain criminal background information for its owners and key staff, as defined, and to request subsequent arrest notification. The bill would authorize a county or the department to contract with a certified DMC provider irrespective of the contents of the state summary criminal history information: to require a certified DMC provider's owner and medical director to submit to the Department of Justice (DOJ) fingerprint images and other information required by DOJ to obtain the person's criminal history information, as specified. The bill would require DOJ to forward the person's fingerprint images and other information to the Federal Bureau~~

*of Investigation to obtain federal criminal history information and would require DOJ to report the criminal history information to the county or department. The bill would also require the county or department to request subsequent arrest notification for the person. The bill would require DOJ to charge a fee sufficient to cover the cost of processing that request. The bill would prohibit, except as provided by federal law, a DMC provider from being excluded from contracting with a county or the department based solely on the existence of a past criminal record of the DMC provider's owner or medical director.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 14124.27 is added to the Welfare and  
2     Institutions Code, to read:  
3     14124.27. (a) A county or the department, before contracting  
4     with a certified Drug Medi-Cal (DMC) provider, shall ~~obtain state~~  
5     ~~summary criminal history information from the Department of~~  
6     ~~Justice for the DMC provider's owner and key staff. A county or~~  
7     ~~the department may contract with a certified DMC provider~~  
8     ~~irrespective of the contents of the state summary criminal history~~  
9     ~~information.~~ *require a certified DMC provider's owner and*  
10    *medical director to submit to the Department of Justice fingerprint*  
11    *images and related information required by the Department of*  
12    *Justice for the purpose of obtaining information as to the existence*  
13    *and content of a record of state and federal convictions and arrests*  
14    *and information as to the existence and content of a record of state*  
15    *and federal arrests for which the Department of Justice establishes*  
16    *that the person is free on bail, or on his or her recognizance,*  
17    *pending trial or appeal.*  
18    ~~(b) The owner and key staff of the DMC provider shall submit~~  
19    ~~fingerprint images and related information to the Department of~~  
20    ~~Justice for purposes of obtaining information as to the existence~~  
21    ~~and content of a record of state or federal convictions, and state~~  
22    ~~or federal arrests for which the Department of Justice establishes~~  
23    ~~that the person is free on bail or on his or her own recognizance~~  
24    ~~pending trial or appeal. The Department of Justice shall review~~  
25    ~~the available information and compile and disseminate a response~~

1 to the county or the department, as appropriate, pursuant to Section  
2 11105 of the Penal Code.

3 (b) *The Department of Justice shall forward the fingerprint*  
4 *images and related information received pursuant to subdivision*  
5 *(a) to the Federal Bureau of Investigation and request a federal*  
6 *summary of criminal information. The Department of Justice shall*  
7 *review the information returned from the Federal Bureau of*  
8 *Investigation and compile and disseminate a response to the county*  
9 *or department pursuant to paragraph (1) of subdivision (p) of*  
10 *Section 11105 of the Penal Code.*

11 (c) The county or department contracting with the DMC provider  
12 shall request subsequent arrest notification service from the  
13 Department of Justice, as provided under Section 11105.2 of the  
14 Penal Code, for the owner and key staff of the DMC provider.

15 (d) ~~For purposes of this section, “key staff” means a person~~  
16 ~~employed by or working as a contractor for the DMC provider and~~  
17 ~~who has either supervisory duties or duties that give him or her~~  
18 ~~access to money. persons described in subdivision (a).~~

19 (d) *The Department of Justice shall charge a fee sufficient to*  
20 *cover the cost of processing the requests described in this section.*

21 (e) *Except as provided by federal law, a DMC provider shall*  
22 *not be excluded from contracting with a county or the department*  
23 *based solely on the existence of a past criminal record of the DMC*  
24 *provider’s owner or medical director.*